

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

ALLERGAN, INC. and DUKE	)	
UNIVERSITY,	)	
Plaintiffs,	)	
	)	
v.	)	1:10-CV-681
	)	
APOTEX, INC. and APOTEX CORP.,	)	
Defendants.	)	
	)	
ALLERGAN, INC. and DUKE	)	
UNIVERSITY,	)	
Plaintiffs,	)	
	)	
v.	)	1:11-CV-298
	)	
SANDOZ, INC.,	)	
Defendant.	)	
	)	
ALLERGAN, INC. and DUKE	)	
UNIVERSITY,	)	
Plaintiffs,	)	
	)	
v.	)	1:11-CV-650
	)	
HI-TECH PHARMACAL CO., INC.,	)	
Defendant.	)	

**JUDGMENT**

For the reasons set forth in the Memorandum Opinion and Order filed on January 24, 2013,

It is hereby **ORDERED AND ADJUDGED** that Judgment is entered in favor of Plaintiffs Allergan, Inc. and Duke University (collectively “Plaintiffs”) and against Defendants Apotex, Inc., and Apotex Corp., Sandoz, Inc., and Hi-Tech Pharmacal Co., Inc. (collectively “Defendants”) on Plaintiffs’ claims that Defendants have infringed claims 1, 8, 14, 18, and 20 of

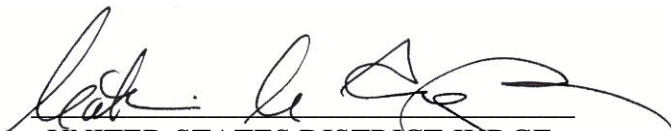
U.S. Patent No. 7,388,029 (“the ‘029 Patent”) and claim 14 of U.S. Patent No. 7,351,404 (“the ‘404 Patent”).

It is further **ORDERED AND ADJUDGED** that Judgment is entered in favor of Plaintiffs and against Defendants on all counterclaims alleging noninfringement or invalidity of the ‘029 and ‘404 Patents.

It is further **ORDERED** that, pursuant to 35 U.S.C. § 271(e)(4)(A):

1. the effective date of approval of Abbreviated New Drug Application No. 201894, filed by or on behalf of Apotex, Inc., and Apotex Corp., shall be a date which is not earlier than the later of the expiration dates of the ‘029 and ‘404 Patents;
2. the effective date of approval of Abbreviated New Drug Application No. 202719, filed by or on behalf of Sandoz, Inc., shall be a date which is not earlier than the later of the expiration dates of the ‘029 and ‘404 Patents; and
3. the effective date of approval of Abbreviated New Drug Application No. 203051, filed by or on behalf of Hi-Tech Pharmacal Co., Inc., shall be a date which is not earlier than the later of the expiration dates of the ‘029 and ‘404 Patents.

This the 25th day of January, 2013.

  
UNITED STATES DISTRICT JUDGE